

**DETAILED ACTION**

1. Applicant's amendment dated May 8, 2007, responding to the Office action mailed December 28, 2007 provided in the rejection of claims 1-10, 12-30, wherein claims 2, 6, 8-10, 1216, 19,-23, 25-28, and 30 have been amended, claims 1, 17-18, and 25 have been canceled.

***EXAMINER'S AMENDMENT***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael W. Zimmerman (Reg. No. 57,993) on September 12, 2007 to obviate any potential 35 U.S.C 101 issues and to place the claims in the condition for allowance.

4. The application has been amended as follows:

**IN THE CLAIMS.**

**Please amend claim 19 by inserting after line 2:**

“a central processor unit; and

a memory including:”

--END OF AMENDMENT--

***Allowable Subject Matter***

5. Claims 2-10, 12-16, 19-24, and 26-30 are allowed.

6. The following is an examiner's statement of reasons for allowance:

As pointed out by Applicant, the prior art of record fails to teach and/or suggest "estimating a cost of merging a first set of instructions and a second set of instructions using a dataflow analysis; and merging the first and second sets of instructions to form a merged set of instructions based on the cost of merging the first and second sets of instructions, wherein the cost of merging the first and second sets of instructions is associated with instructions that belong to only the first set of instructions and instructions that belong to only the second set of instructions", as recited in independent claim 12 and similarly recited in independent claims 19 and 28 (The Status of the Claims, pages 3-5 and 8)

7. Claims 2-10, 13-16, 20-24, 26-27, and 29-30 are considered allowable by virtue of their dependence on allowable independent claims 12, 19, and 28 respectively.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is (571) 270-

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1240. The examiner can normally be reached on 8:00-5:30 (EST/EDT), Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ben C Wang/  
Examiner, Art Unit 2192

March 12, 2008

/Eric B. Kiss/  
Eric B. Kiss  
Primary Examiner, Art Unit 2192